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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,850	12/14/2001	Kevin C. Hazen	032905-010	5481
21839	7590	10/06/2003	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			ZEMAN, ROBERT A	
POST OFFICE BOX 1404			ART UNIT	
ALEXANDRIA, VA 22313-1404			PAPER NUMBER	
			1645	5
DATE MAILED: 10/06/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/913,850

Applicant(s)

HAZEN ET AL.

Examiner

Robert A. Zeman

Art Unit

1645

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, drawn to peptides with the general formula of G-X₁-X₂-R.

Group II, claim(s) 8-13, drawn to antibodies to peptides with the general formula of G-X₁-X₂-R and cells producing said antibodies.

Group III, claim(s) 14, drawn to methods of treating a yeast infection in a patient using antibodies to peptides with the general formula of G-X₁-X₂-R .

Group IV, claim(s) 15-17, drawn to drawn to methods of detecting a hydrophobic binding domain using antibodies peptides with the general formula of G-X₁-X₂-R.

Group V, claim(s) 18, drawn to methods of isolating hydrophobic binding domain using antibodies to peptides with the general formula of G-X₁-X₂-R.

Group VI, claim(s) 19-23, drawn to methods of treating a yeast infection using peptides with the general formula G-X₁-X₂-R.

Group VII, claim(s) 24-25, drawn to peptides with the general formula E-X₁-L-X₂-X₃-X₄.

Group VIII, claim(s) 26-31, drawn to antibodies to peptides with the general formula of E-X₁-L-X₂-X₃-X₄ and cells producing said antibodies.

Group IX, claim(s) 32, drawn to methods of treating a yeast infection in a patient using antibodies to peptides with the general formula E-X₁-L-X₂-X₃-X₄ .

Group X, claim(s) 33-35, drawn to drawn to methods of detecting a hydrophobic binding domain using antibodies peptides with the general formula E-X₁-L-X₂-X₃-X₄.

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Group XI, claim(s) 36, drawn to methods of isolating hydrophobic binding domain using antibodies to peptides with the general formula of E-X₁-L-X₂-X₃-X₄.

Group XII, claim(s) 37-40, drawn to methods of treating a yeast infection using peptides with the general formula E-X₁-L-X₂-X₃-X₄.

Group XIII, claim(s) 41-43, drawn to antibodies produced by cell line F6-5F8-E10 and cell lines.

Group XIV, claim(s) 44, drawn to methods of treating a yeast infection in a patient using antibodies produced by cell line F6-5F8-E10.

Group XV, claim(s) 45-47, drawn to drawn to methods of detecting a hydrophobic binding domain using antibodies produced by cell line F6-5F8-E10.

Group XVI, claim(s) 48, drawn to methods of isolating hydrophobic binding domain using antibodies produced by cell line F6-5F8-E10.

The inventions listed as Groups I-XVI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Pursuant to 37 C.F.R. 1.475(d), the ISA/US considers that where multiple products and processes are claimed, the main invention shall consist of the first invention of the category first mentioned in the claims and the first recited invention of each of the other categories related thereto. Accordingly, the main invention (Group I) comprises the first recited **product**, peptides with the general formula of G-X₁-X₂-R. Further pursuant to 37 C.F.R. 1.475(d), the ISA/US considers that any feature which the subsequently recited products and methods share with the main invention does not constitute a special technical feature within the meaning of PCT rule 13.2 and that each of such products and methods accordingly defines a separate invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

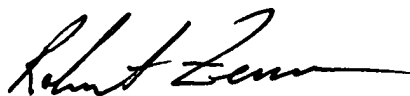
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Zeman whose telephone number is (703) 308-7991.

The examiner can normally be reached on Monday- Thursday, 7am -5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (703) 308-3909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



Robert A. Zeman
October 2, 2003